

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill No. 234, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 4-21.5-2-5, AS AMENDED BY P.L.4-2005,
- 4 SECTION 19, P.L.229-2005, SECTION 1, AND P.L.235-2005,
- 5 SECTION 60, IS CORRECTED AND AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. This article does not
- 7 apply to the following agency actions:
- 8 (1) The issuance of a warrant or jeopardy warrant for the
- 9 collection of taxes.
- 10 (2) A determination of probable cause or no probable cause by the
- 11 civil rights commission.
- 12 (3) A determination in a factfinding conference of the civil rights
- 13 commission.
- 14 (4) A personnel action, except review of a personnel action by the
- 15 state employees appeals commission under IC 4-15-2 or a
- 16 personnel action that is not covered by IC 4-15-2 but may be
- 17 taken only for cause.
- 18 (5) A resolution, directive, or other action of any agency that
- 19 relates solely to the internal policy, organization, or procedure of
- 20 that agency or another agency and is not a licensing or
- 21 enforcement action. Actions to which this exemption applies

- 1 include the statutory obligations of an agency to approve or ratify
- 2 an action of another agency.
- 3 (6) An agency action related to an offender within the jurisdiction
- 4 of the department of correction.
- 5 (7) A decision of the Indiana economic development corporation,
- 6 *the office of tourism development*, the department of
- 7 environmental management, the tourist information and grant fund
- 8 review committee **(before the repeal of the statute that created**
- 9 **the tourist information and grant fund review committee)**, the
- 10 Indiana *development* finance authority, the corporation for
- 11 innovation development, or the lieutenant governor that concerns
- 12 a grant, loan, bond, tax incentive, or financial guarantee.
- 13 (8) A decision to issue or not issue a complaint, summons, or
- 14 similar accusation.
- 15 (9) A decision to initiate or not initiate an inspection,
- 16 investigation, or other similar inquiry that will be conducted by
- 17 the agency, another agency, a political subdivision, including a
- 18 prosecuting attorney, a court, or another person.
- 19 (10) A decision concerning the conduct of an inspection,
- 20 investigation, or other similar inquiry by an agency.
- 21 (11) The acquisition, leasing, or disposition of property or
- 22 procurement of goods or services by contract.
- 23 (12) Determinations of the department of workforce development
- 24 under IC 22-4-18-1(g)(1), IC 22-4-40, or IC 22-4-41.
- 25 (13) A decision under IC 9-30-12 of the bureau of motor vehicles
- 26 to suspend or revoke ~~the~~ a driver's license, a driver's permit, a
- 27 vehicle title, or a vehicle registration of an individual who
- 28 presents a dishonored check.
- 29 (14) An action of the department of financial institutions under
- 30 IC 28-1-3.1 or a decision of the department of financial
- 31 institutions to act under IC 28-1-3.1.
- 32 (15) A determination by the NVRA official under IC 3-7-11
- 33 concerning an alleged violation of the National Voter Registration
- 34 Act of 1993 (42 U.S.C. 1973gg) or IC 3-7.
- 35 (16) Imposition of a civil penalty under IC 4-20.5-6-8 if the rules
- 36 of the Indiana department of administration provide an
- 37 administrative appeals process.
- 38 **(17) A determination of status as a member of or participant**

1 **in an environmental performance based program developed**
 2 **and implemented under IC 13-27-8."**

3 Page 11, between lines 6 and 7, begin a new line double block
 4 indented and insert:

5 **"(B) Waste minimization."**

6 Page 11, line 7, delete "(B)" and insert "(C)".

7 Page 11, line 8, delete "(C)" and insert "(D)".

8 Page 12, line 3, after "prevention" insert "**and waste minimization**".

9 Page 12, between lines 4 and 5, begin a new paragraph and insert:

10 "SECTION 13. P.L.231-2003, SECTION 4, IS AMENDED TO
 11 READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: SECTION 4. (a)
 12 As used in this SECTION, "board" refers to the water pollution control
 13 board established by IC 13-18-1.

14 (b) All waters designated under 327 IAC 2-1.5-19(b) as outstanding
 15 state resource waters shall be maintained and protected in their present
 16 quality in accordance with the antidegradation implementation
 17 procedures for the outstanding state resource waters established by the
 18 board for waters in the Great Lakes system. ~~This SECTION does not~~
 19 **affect Nothing except IC 13-18-3-2 affects** the authority of the board
 20 to amend 327 IAC 5-2-11.7. Any rule adopted by the board contrary to
 21 this standard is void.

22 (c) All waters designated as outstanding state resource waters under
 23 327 IAC 2-1-2(3) and waters designated as exceptional use waters
 24 under 327 IAC 2-1-6(i) shall be maintained and protected in accordance
 25 with 327 IAC 2-1-2(1) and 327 IAC 2-1-2(2). If a permittee seeks a
 26 new or increased discharge for which a new or increased permit limit
 27 is required and that amounts to a significant lowering of water quality,
 28 the permittee shall demonstrate an overall improvement in water quality
 29 in the outstanding state resource water or exceptional use water, subject
 30 to:

31 (1) the approval of the department of environmental management;

32 and

33 (2) IC 13-18-3-2(m)(2)(A) and IC 13-18-3-2(m)(2)(B).

34 (d) Any rule adopted by the board before ~~the effective date of this~~
 35 **SECTION July 1, 2006**, is void to the extent that it:

36 (1) is inconsistent with this SECTION; or

37 (2) requires protection of waters beyond the protection required by
 38 327 IAC 2-1-2(1) and 327 IAC 2-1-2(2).

(e) Before July 1, ~~2004~~, **2008**, the board shall amend 327 IAC 2-1-2, 327 IAC 2-1-6, and 327 IAC 2-1.5-4 to reflect this SECTION.

(f) This SECTION expires on the earlier of:

(1) the effective date of the rule amendments adopted by the board under subsection (e); or

(2) July 1, ~~2006~~, **2008**.

SECTION 14. P.L.231-2003, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: SECTION 5. (a) Until July 1, ~~2004~~, **2008**, the following apply to a water body designated before October 1, 2002, as an exceptional use water:

(1) The water body is subject to the overall water quality improvement provisions of IC 13-18-3-2(1).

(2) The water body is not subject to a standard of having its water quality maintained and protected without degradation consistent with the provisions of P.L.140-2000.

(b) Before July 1, ~~2004~~, **2008**, the water pollution control board established under IC 13-18-1 shall:

(1) determine whether, effective July 1, ~~2004~~, **2008**, to designate as an outstanding state water each water designated before October 1, 2002, as an exceptional use water under 327 IAC 2-1-11; and

(2) complete rulemaking to make any designation determined

- 1 under subdivision (1).
- 2 (c) This SECTION expires July 1, ~~2006~~ **2008**".
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 234 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

Gard

Chairperson